

(3) Minuteman III intercontinental ballistic missiles.
(4) Peacekeeper intercontinental ballistic missiles.
(5) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1996 or fiscal year 1997, the Secretary of Defense may waive the application of the limitation under paragraphs (2), (3), and (4) of subsection (a) to Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles, and Peacekeeper intercontinental ballistic missiles, respectively, to the extent that the Secretary determines necessary in order to implement the treaty.

(6) FUNDING LIMITATION ON EARLY DEACTIVATION.—(1) If the President limitation under paragraphs (2), (3), and (4) of subsection (a) ceases Reports. to apply by reason of a waiver under subsection (b), funds available to the Department of Defense may nevertheless not be obligated or expended during fiscal year 1997 to implement any agreement or understanding to undertake substantial early deactivation of a strategic nuclear delivery system specified in subsection (b) until 30 days after the date on which the President submits to Congress a report concerning such actions.

(2) For purposes of this subsection, a substantial early deactivation is an action during fiscal year 1997 to deactivate a substantial number of strategic nuclear delivery systems specified in subsection (b) by—

- (A) removing nuclear warheads from those systems; or
- (B) taking other steps to remove those systems from combat status.

(3) A report under this subsection shall include the following:
(7) The text of any understanding or agreement between the United States and the Russian Federation concerning substantial early deactivation of strategic nuclear delivery systems under the START II Treaty.

(8) The plan of the Department of Defense for implementing the agreement.

(C) An assessment of the Secretary of Defense of the adequacy of the provisions contained in the agreement for monitoring and verifying compliance of Russia with the terms of the agreement.

(6) A determination by the President as to whether the deactivations to occur under the agreement will be carried out in a symmetrical, reciprocal, or equivalent manner.

(E) An assessment by the President of the effect of the proposed early deactivation on the stability of the strategic balance and relative strategic nuclear capabilities of the United States and the Russian Federation at various

stages during
deactivation and upon completion.
(d) START II TREATY DEFINED. For purposes of this section,
the term "START II Treaty" means the Treaty Between the United
States of America and the Russian Federation on Further
Reduction
and Limitation of Strategic Offensive Arms, signed at Moscow on
January 3, 1993, including the following protocols and
memorandum
of understanding, all such documents being integral parts of
and
collectively referred to as the "START II Treaty" (contained in
Treaty Document 1031):

(1) The Protocol on Procedures Governing
Elimination of
Heavy ICBMs and on Procedures Governing
Conversion of Silo
Launchers of Heavy ICBMs Relating to the
Treaty Between
the United States of America and the Russian
Federation on